

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1392-AIR-E TCEQ ID: RN104392626 CASE NO.: 34522
RESPONDENT NAME: INVISTA S.a.r.l.

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: INVISTA SARL Sabine River Site, 3055A Farm-to-Market Road 1006, Orange, Orange County</p> <p>TYPE OF OPERATION: Chemical processing facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2007-0800-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 25, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Audra L. Ruble, Enforcement Division, Enforcement Team 4, MC R-14, (361) 825-3126; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Mark D. McPherson, Plant Manager, INVISTA S.a.r.l., P.O. Box 1003, Orange, Texas 77631 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 27, and July 16, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 25, and September 12, 2007 (NOE)</p> <p>Background Facts: These were record reviews.</p> <p>AIR</p> <p>1) Failed to prevent an unauthorized emissions event from the ADN North Boiler which occurred on April 24-25, 2007. Specifically, approximately 44 pounds ("lbs") of benzene, 48 lbs of 1,3-butadiene, 57 lbs of cyclohexane, 14 lbs of hydrogen cyanide, and 5,921 lbs of volatile organic compounds ("VOCs") were released over a duration of 20 hours and four minutes. These emissions exceeded the applicable permit limit of 1.99 lbs per hour for VOCs. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4); Air Operating Permit No. O-02075, Special Condition ("SC") 10 and Air New Source Permit No. 1468, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to prevent an unauthorized emissions event from the agitator seal on the TPB pump out tank which occurred on May 30-June 1, 2007. Specifically, approximately 27.50 lbs of benzene and 33.30 lbs of cyclohexane were released over a duration of 44 hours and 25 minutes. These emissions were not authorized by the permit. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE §</p>	<p>Total Assessed: \$11,100</p> <p>Total Deferred: \$2,220 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$8,880</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement procedures to minimize and/or avoid the reoccurrence of emission events similar to the April 24 and May 30, 2007 incidents; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4); Air Operating Permit No. O-01897, SC 20 and Air New Source Permit No. 1302, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
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Additional ID No(s): O-01897 and O-02075



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	30-Jul-2007	Screening	28-Aug-2007	EPA Due	4-Jun-2008
	PCW	29-Aug-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	INVISTA S.a.r.l.		
Reg. Ent. Ref. No.	RN104392626		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34522	No. of Violations	2
Docket No.	2007-1392-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Audra L. Ruble
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 48% Enhancement Subtotals 2, 3, & 7 **\$3,600**

Notes: The Respondent has received two NOV's for the same or similar violations, one NOV for non-similar violations, two 1660 Agreed Orders, and has submitted four Notices of Intent within the past five years.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts **\$45** 0% Enhancement* Subtotal 6 **\$0**
 Approx. Cost of Compliance **\$1,000** *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$11,100**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment **\$0**

Notes

Final Penalty Amount **\$11,100**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$11,100**

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20% Reduction Adjustment **-\$2,220**

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$8,880

Screening Date 28-Aug-2007

Docket No. 2007-1392-AIR-E

PCW

Respondent INVISTA S.a.r.l.

Policy Revision 2 (September 2002)

Case ID No. 34522

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Audra L. Ruble

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 48%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent has received two NOVs for the same or similar violations, one NOV for non-similar violations, two 1660 Agreed Orders, and has submitted four Notices of Intent within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 48%

Screening Date 28-Aug-2007 Respondent INVISTA S.a.r.l. Case ID No. 34522 Reg. Ent. Reference No. RN104392626 Media [Statute] Air Enf. Coordinator Audra L. Ruble Violation Number 1	Docket No. 2007-1392-AIR-E PCW <small>Policy Revision 2 (September 2002)</small> <small>PCW Revision June 26, 2007</small>
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Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4); Air Operating Permit No. O-02075, Special Condition ("SC") 10 and Air New Source Permit No. 1468, SC 1; and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to prevent an unauthorized emissions event from the ADN North Boiler which occurred on April 24-25, 2007, as documented during a record review conducted on June 27, 2007. Specifically, approximately 44 pounds ("lbs") of benzene, 48 lbs of 1,3-butadiene, 57 lbs of cyclohexane, 14 lbs of hydrogen cyanide, and 5,921 lbs of volatile organic compounds ("VOCs") were released over a duration of twenty hours and four minutes. These emissions exceeded the applicable permit limit of 1.99 lbs per hour for VOCs. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty	\$10,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent	<input type="text" value="50%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent	<input type="text" value="0%"/>

Matrix Notes	The emissions event resulted in the release of a significant amount of pollutants which do not exceed levels protective of human health and/or the environment.
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Adjustment	\$5,000
\$5,000	

Violation Events

Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="1"/>												
<small>mark only one with an x</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input checked="" type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input checked="" type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>		
daily	<input type="text"/>														
monthly	<input checked="" type="text"/>														
quarterly	<input type="text"/>														
semiannual	<input type="text"/>														
annual	<input type="text"/>														
single event	<input type="text"/>														
		Violation Base Penalty	\$5,000												

One monthly event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$23
	Violation Final Penalty Total
	\$7,400
This violation Final Assessed Penalty (adjusted for limits)	
\$7,400	

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
 Case ID No. 34522
 Reg. Ent. Reference No. RN104392626
 Media Air
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	24-Apr-2007	1-Apr-2008	0.9	\$23	n/a	\$23

Notes for DELAYED costs

Estimated cost to conduct additional operator training and to implement procedures to prevent reoccurrence.
 Date required is the date of the event and final date is when compliance is expected to be achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$23

Screening Date 28-Aug-2007

Docket No. 2007-1392-AIR-E

PCW

Respondent INVISTA S.a.r.l.

Policy Revision 2 (September 2002)

Case ID No. 34522

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104392626

Media [Statute] Air

Enf. Coordinator Audra L. Ruble

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4); Air Operating Permit No. O-01897, SC 20 and Air New Source Permit No. 1302, SC 1; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent an unauthorized emissions event from the agitator seal on the TPB pump out tank which occurred on May 30-June 1, 2007, as documented during a record review conducted on July 16, 2007. Specifically, approximately 27.50 lbs of benzene and 33.30 lbs of cyclohexane were released over a duration of 44 hours and 25 minutes. These emissions are not authorized by the permit. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

The emissions event resulted in the release of an insignificant amount of pollutants which do not exceed levels protective of human health and/or the environment.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$3,700

This violation Final Assessed Penalty (adjusted for limits) \$3,700

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.

Case ID No. 34522

Reg. Ent. Reference No. RN104392626

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	30-May-2007	1-Apr-2008	0.8	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to conduct additional operator training and to implement procedures to prevent reoccurrence.
Date required is the date of the event and final date is when compliance is expected to be achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$21

Compliance History

Customer/Respondent/Owner-Operator:	CN602582231	INVISTA S.a.r.l.	Classification: AVERAGE	Rating: 1.76
Regulated Entity:	RN104392626	INVISTA SARL SABINE RIVER SITE	Classification: AVERAGE	Site Rating: 1.00
ID Number(s):				
	AIR NEW SOURCE PERMITS	REGISTRATION	76023	
	AIR NEW SOURCE PERMITS	REGISTRATION	76385	
	AIR NEW SOURCE PERMITS	REGISTRATION	76134	
	AIR NEW SOURCE PERMITS	PERMIT	1387	
	AIR NEW SOURCE PERMITS	REGISTRATION	75994	
	AIR NEW SOURCE PERMITS	PERMIT	1468	
	AIR NEW SOURCE PERMITS	PERMIT	1302	
	AIR NEW SOURCE PERMITS	PERMIT	1302A	
	AIR NEW SOURCE PERMITS	PERMIT	1302B	
	AIR NEW SOURCE PERMITS	PERMIT	1302C	
	AIR NEW SOURCE PERMITS	PERMIT	33081	
	AIR NEW SOURCE PERMITS	PERMIT	43815	
	AIR NEW SOURCE PERMITS	PERMIT	40371	
	AIR NEW SOURCE PERMITS	PERMIT	38853	
	AIR NEW SOURCE PERMITS	PERMIT	38402	
	AIR NEW SOURCE PERMITS	PERMIT	37818	
	AIR NEW SOURCE PERMITS	PERMIT	52687	
	AIR NEW SOURCE PERMITS	PERMIT	43041	
	AIR NEW SOURCE PERMITS	PERMIT	47720	
	AIR NEW SOURCE PERMITS	PERMIT	45950	
	AIR NEW SOURCE PERMITS	PERMIT	45766	
	AIR NEW SOURCE PERMITS	PERMIT	44499	
	AIR NEW SOURCE PERMITS	PERMIT	44206	
	AIR NEW SOURCE PERMITS	PERMIT	42060	
	AIR NEW SOURCE PERMITS	PERMIT	43816	
	AIR NEW SOURCE PERMITS	PERMIT	53853	
	AIR NEW SOURCE PERMITS	PERMIT	56241	
	AIR NEW SOURCE PERMITS	PERMIT	50464	
	AIR NEW SOURCE PERMITS	PERMIT	36731	
	AIR NEW SOURCE PERMITS	PERMIT	36872	
	AIR NEW SOURCE PERMITS	PERMIT	35863	
	AIR NEW SOURCE PERMITS	PERMIT	51530	
	AIR NEW SOURCE PERMITS	PERMIT	51405	
	AIR NEW SOURCE PERMITS	PERMIT	51509	
	AIR NEW SOURCE PERMITS	PERMIT	71720	
	AIR NEW SOURCE PERMITS	PERMIT	55029	
	AIR NEW SOURCE PERMITS	PERMIT	54974	
	AIR NEW SOURCE PERMITS	PERMIT	1303	
	AIR NEW SOURCE PERMITS	PERMIT	9468	
	AIR NEW SOURCE PERMITS	PERMIT	1790	
	AIR NEW SOURCE PERMITS	REGISTRATION	76879	
	AIR NEW SOURCE PERMITS	REGISTRATION	78657	
	AIR NEW SOURCE PERMITS	REGISTRATION	78882	
	AIR NEW SOURCE PERMITS	AFS NUM	4836100244	
	AIR NEW SOURCE PERMITS	REGISTRATION	79303	
	AIR NEW SOURCE PERMITS	REGISTRATION	79923	
	AIR NEW SOURCE PERMITS	REGISTRATION	80152	
	AIR NEW SOURCE PERMITS	REGISTRATION	80427	
	AIR NEW SOURCE PERMITS	REGISTRATION	79898	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1085	
	AIR NEW SOURCE PERMITS	REGISTRATION	81904	
	AIR NEW SOURCE PERMITS	REGISTRATION	81967	
	AIR NEW SOURCE PERMITS	REGISTRATION	81976	
	AIR NEW SOURCE PERMITS	REGISTRATION	81949	
	AIR NEW SOURCE PERMITS	REGISTRATION	82396	
	AIR NEW SOURCE PERMITS	REGISTRATION	82408	
	AIR NEW SOURCE PERMITS	PERMIT	82405	
	AIR NEW SOURCE PERMITS	REGISTRATION	82438	
	AIR OPERATING PERMITS	PERMIT	1350	
	AIR OPERATING PERMITS	PERMIT	1868	
	AIR OPERATING PERMITS	PERMIT	1897	
	AIR OPERATING PERMITS	PERMIT	1996	

AIR OPERATING PERMITS	PERMIT	2075
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	PERMIT	1350
AIR OPERATING PERMITS	PERMIT	1996
AIR OPERATING PERMITS	PERMIT	1868
AIR OPERATING PERMITS	PERMIT	1898
AIR OPERATING PERMITS	PERMIT	2075
UNDERGROUND INJECTION CONTROL	PERMIT	WDW054
UNDERGROUND INJECTION CONTROL	PERMIT	WDW055
UNDERGROUND INJECTION CONTROL	PERMIT	WDW191
UNDERGROUND INJECTION CONTROL	PERMIT	WDW282
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	ID NUMBER	87432
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000057752
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	87432
STORMWATER	PERMIT	TXR05R439
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50395

Location: 3055A FM 1006, ORANGE, TX, 77631 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 29, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 28, 2002 to August 28, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Audra Ruble Phone: 361-825-3126

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/29/2006

ADMINORDER 2005-1309-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly report a final report to the regional office for an emissions event which occurred on March 16, 2005, from 0855-1334 hours (Incident Number 55416).

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter V 106.492[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Air Permit by Rule OP

Description: Failure to obtain an authorization for emissions released during an emissions event.

Effective Date: 04/26/2007

ADMINORDER 2006-1506-MLM-E

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(13)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.103(g)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure of the automatic waste feed valve to cutoff when the carbon monoxide (CO) level exceed 100 ppm. (A11, E6)

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	01/09/2005	(342338)
2	01/09/2005	(342430)
3	04/01/2005	(350766)
4	04/28/2005	(373043)
5	05/24/2005	(379312)
6	05/24/2005	(379315)
7	05/24/2005	(379319)
8	05/24/2005	(379320)
9	05/25/2005	(375873)
10	06/02/2005	(380479)
11	06/02/2005	(380477)
12	06/02/2005	(380478)
13	06/14/2005	(380139)
14	06/16/2005	(375902)
15	07/13/2005	(371442)
16	07/15/2005	(396196)
17	07/19/2005	(399166)
18	08/01/2005	(400359)
19	08/10/2005	(404172)
20	08/10/2005	(400558)
21	08/10/2005	(398957)
22	08/23/2005	(403155)
23	08/29/2005	(401553)
24	12/20/2005	(435764)
25	02/04/2006	(452682)
26	02/04/2006	(452802)
27	02/04/2006	(452777)
28	02/24/2006	(455241)
29	02/24/2006	(455270)
30	02/28/2006	(456852)
31	02/28/2006	(454898)
32	03/29/2006	(455158)
33	03/29/2006	(454950)
34	03/31/2006	(455654)
35	03/31/2006	(455549)
36	04/04/2006	(457614)
37	04/12/2006	(457852)
38	04/17/2006	(460939)
39	04/17/2006	(460954)
40	04/17/2006	(460946)
41	04/21/2006	(454956)
42	04/21/2006	(454957)
43	04/21/2006	(454958)
44	04/21/2006	(454959)
45	06/16/2006	(463560)
46	06/16/2006	(463571)
47	06/21/2006	(464221)
48	06/23/2006	(481019)
49	06/23/2006	(481017)
50	06/23/2006	(480996)
51	07/20/2006	(485968)
52	07/20/2006	(485969)
53	07/20/2006	(485963)
54	07/20/2006	(485971)
55	07/20/2006	(484913)
56	07/24/2006	(461204)
57	07/26/2006	(481814)
58	08/22/2006	(466183)
59	08/22/2006	(465303)
60	10/06/2006	(512239)
61	12/28/2006	(514339)
62	02/05/2007	(537778)
63	02/23/2007	(541266)
64	02/23/2007	(538459)
65	03/12/2007	(541590)
66	03/12/2007	(541557)

67 03/12/2007 (541574)
 68 04/21/2007 (535339)
 69 04/25/2007 (555441)
 70 04/25/2007 (555450)
 71 04/25/2007 (555458)
 72 04/25/2007 (555461)
 73 04/27/2007 (541223)
 74 05/14/2007 (557950)
 75 05/14/2007 (557957)
 76 05/14/2007 (538489)
 77 05/14/2007 (557953)
 78 06/12/2007 (557102)
 79 06/23/2007 (539926)
 80 07/25/2007 (565849)
 81 08/09/2007 (571422)
 82 08/16/2007 (571631)
 83 08/22/2007 (570261)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/14/2005 (380139)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

Description: Failure to properly label hazardous waste tanks with the label of "Hazardous Waste."

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)

Description: Failure to immediately remove from service the leaking 1000 gallon hazardous waste tank system located at the P110 Tank Farm.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)[G]
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)

Description: Failure to properly complete hazardous waste manifests.

Date: 05/15/2007 (538489)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit an annual compliance certification no later than 30 days after the end of the certification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit a deviation report no later than 30 days after the end of the reporting period.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)[G]
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01868

Description: Failure to conduct quarterly fugitive monitoring.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter C 117.419(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01868

Description: Failure to furnish to the executive director, copies of CEMS performance evaluations within 60 days after the completion of the evaluations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter C 117.313(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01868

Description: Failure to furnish the Administrator within 60 days of a performance evaluation, two copies of a written report of the results of the performance evaluation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter C 117.313(d)
 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov:	5C THC Chapter 382, SubChapter D 382.085(b)	
Description:	OP O-01868	
	Failure to establish a conversion factor for the purpose of converting monitoring data into units of the emission standard.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	PERMIT 1790	
	OP O-01868	
Description:	Failure to conduct an internal floating roof tank inspection at least once every 12 months after initial fill.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP O-01868 OP O-01996	
Description:	Failure to conduct quarterly opacity observations.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	PERMIT 1303 OP O-01996	
Description:	Failure to operate the absorber in accordance with the representations in the confidential material submitted with the permit application, PI 1 dated August 1, 1996 and the permit alteration request dated May 11, 1998.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	PERMIT 1303 OP O-01996	
Description:	Failure to sample and analyze the NH3 concentration at least once every 12-hour shift when the absorbers were in operation.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	PERMIT 1303 OP O-01996	
Description:	Failure to note the performance of each inspection in the operator's log.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	PERMIT 1303 OP O-01996	
Description:	Failure to equip each open-ended valve or line with a cap, blind flange, plug or second valve.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP O-01996	
Description:	Failure to make a first attempt at repairing a leak no later than five calendar days after a leak is found.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.144(3)(A) 30 TAC Chapter 122, SubChapter B 122.143(4)	
Rqmt Prov:	OP O-01996	
Description:	Failure to install a monitor to continuously monitor and record the temperature of the gas stream either in the combustion chamber or immediately down stream. The monitoring of CO to determine a 98% DRE is not an approved method.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(b) 5C THC Chapter 382, SubChapter D 382.085(b)	
Description:	Failure to get authorization for the NH3 emissions from PE-41 and VOC emissions from PE-70.	
Date:	06/13/2007 (557102)	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)	

Rqmt Prov: 30 TAC Chapter 122, SubChapter B 122.143(4)
Description: 5C THC Chapter 382, SubChapter D 382.085(b)
OP FOP O-02075, Special Condition 2F
Failure to properly maintain records of an emissions event (Incident Number 88653).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 1302, Special Condition 1
OP FOP O-02075 General Terms and Conditions
OP FOP O-02075, Special Condition 10

Description: Failure to maintain an emission rate below the allowable emission limit. B19(g)(1)

F. Environmental audits.

Notice of Intent Date: 06/24/2004 (334680)
No DOV Associated

Notice of Intent Date: 05/25/2005 (398773)
No DOV Associated

Notice of Intent Date: 05/09/2006 (534755)
No DOV Associated

Notice of Intent Date: 06/28/2007 (571546)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INVISTA S.A.R.L.
RN104392626**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1392-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INVISTA S.a.r.l. ("Invista") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Invista appear before the Commission and together stipulate that:

1. Invista owns and operates a chemical processing facility located at 3055A Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Invista agree that the Commission has jurisdiction to enter this Agreed Order, and that Invista is subject to the Commission's jurisdiction.
4. Invista received notice of the violations alleged in Section II ("Allegations") on or about July 30 and September 17, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Invista of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eleven Thousand One Hundred Dollars (\$11,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Invista has paid Eight Thousand Eight Hundred Eighty Dollars (\$8,880) of the administrative penalty and Two Thousand Two Hundred Twenty Dollars (\$2,220) is deferred contingent upon Invista's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred

amount will be waived upon full compliance with the terms of this Agreed Order. If Invista fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Invista to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Invista have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Invista has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Invista is alleged to have:

1. Failed to prevent an unauthorized emissions event from the ADN North Boiler which occurred on April 24-25, 2007, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4); Air Operating Permit No. O-02075, Special Condition ("SC") 10 and Air New Source Permit No. 1468, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 27, 2007. Specifically, approximately 44 pounds ("lbs") of benzene, 48 lbs of 1,3-butadiene, 57 lbs of cyclohexane, 14 lbs of hydrogen cyanide, and 5,921 lbs of volatile organic compounds ("VOCs") were released over a duration of 20 hours and four minutes. These emissions exceeded the applicable permit limit of 1.99 lbs per hour for VOCs. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11).
2. Failed to prevent an unauthorized emissions event from the agitator seal on the TPB pump out tank which occurred on May 30-June 1, 2007, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4); Air Operating Permit No. O-01897, SC 20 and Air New Source Permit No. 1302, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 16, 2007. Specifically, approximately 27.50 lbs of benzene and 33.30 lbs of cyclohexane were released over a duration of 44 hours and 25 minutes. These emissions were not authorized by the permit. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

III. DENIALS

Invista generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Invista pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Invista's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INVISTA S.a.r.l., Docket No. 2007-1392-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Invista shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement procedures to minimize and/or avoid the reoccurrence of emission events similar to the April 24 and May 30, 2007 incidents; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon Invista. Invista is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Invista fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Invista's failure to comply is not a violation of this Agreed Order. Invista shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Invista shall notify the Executive Director within seven days after Invista becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Invista shall be made in writing to the Executive Director. Extensions are not effective until Invista receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Invista in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Invista, or three days after the date on which the Commission mails notice of the Order to Invista, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Sullivan
For the Executive Director

2/20/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Mark D. McPherson
Signature

December 7, 2007
Date

Mark D. McPherson
Name (Printed or typed)
Authorized Representative of
INVISTA S.a.r.l.

Plant Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

